

Highways Act 1980, Section 118. Public footpath Denby Dale 82 (part) – Top o’ th’ Close Farm, Long Royd Lane, Upper Cumberworth – Public Path Extinguishment Application.

Under the Highways Act 1980, local authorities have the power to make orders to create, divert or stop up public rights of way.

An application has been received to extinguish part of public footpath Denby Dale 82. The application is for an order to be made under Section 118 of the Highways Act 1980 on the grounds that the path is not needed for public use. This section of footpath had not been used for many years until 2001, when the owners renovated the property and the current vehicular access was created.

The section of footpath which would be stopped up only runs to the property and is a cul-de-sac path.

Any proposed extinguishment order would come into effect only after it has been confirmed: this is a preliminary consultation process and simply provides an opportunity for views to be expressed. The Council has made no decision yet.

GENERAL STATEMENT ON THE APPLICATION

Kirklees Council will need to be satisfied that the proposal complies with the following grounds and tests laid down in the Highways Act 1980:

- It appears expedient that the path should be stopped up on the grounds that it is not needed for public use.
- To confirm an order, the extent to which the path would be likely to be used must be considered, as well as the effect that the extinguishment would have as respects land served by the way.
- Any temporary circumstances preventing use of the path shall be disregarded.
- It is in accordance with the Kirklees Council Rights of Way Improvement Plan.

Details of this application will be posted on the Public Rights of Way section of the Council's website

<https://www.kirklees.gov.uk/beta/countryside-parks-and-open-spaces/changes-to-definitive-map.aspx>

Comments on the proposal should be made in writing by 2 December 2021 to Sharon Huddleston, Public Rights of Way, Flint Street, Fartown, Huddersfield, HD1 6LG. Email sharon.huddleston@kirklees.gov.uk .

If you want to discuss this proposal, you may contact the Council's definitive map team at the above office during office hours, 8.30-17.00 or by telephone: 01484 221000 and ask for Sharon Huddleston or extension 74200